

REMARKS

In the non-final Office Action, the Examiner rejected claims 1-8, 10-16, 18-21, 23, and 25-27 under 35 U.S.C. § 102(e) as anticipated by Freiberger et al. (U.S. Patent No. 6,034,652); rejected claim 22 under 35 U.S.C. § 103(a) as unpatentable over Freiberger et al. in view of Mukherjea et al. (U.S. Patent No. 6,317,740); rejected claim 24 under 35 U.S.C. § 103(a) as unpatentable over Freiberger et al. in view of Coden et al. (U.S. Patent No. 5,873,080); and rejected claims 9 and 17 under 35 U.S.C. § 103(a) as unpatentable over Freiberger et al. in view of Glazman et al. (U.S. Patent No. 6,264,555).

By this Amendment, Applicant amends claims 7, 13, 20, 24, and 26 to improve form. Applicant respectfully traverses the Examiner's rejections under 35 U.S.C. §§ 102 and 103. Claims 1-27 remain pending.

In paragraphs 2-25 of the Office Action, the Examiner rejected claims 1-8, 10-16, 18-21, 23, and 25-27 under 35 U.S.C. § 102(e) as allegedly anticipated by Freiberger et al. Applicant respectfully traverses the rejection.

A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention either expressly or impliedly. Any feature not directly taught must be inherently present. In other words, the identical invention must be shown in as complete detail as contained in the claim. See M.P.E.P. § 2131. Freiberger et al. does not disclose or suggest the combination of features recited in claims 1-8, 10-16, 18-21, 23, and 25-27.

Independent claim 1, for example, recites a method for enticing users to access a web page, comprising uploading a first image in a story line to the web page; and periodically

uploading successive images, following the first image, to the web page according to the story line.

Freiberger et al. does not disclose or suggest the combination of features recited in claim 1. For example, Freiberger et al. does not disclose or suggest uploading a first image in a story line to a web page. Instead, Freiberger et al. discloses presenting information to a person in the vicinity of a display device in a manner that engages the peripheral attention of the person (col. 2, lines 2-4). Freiberger et al. discloses that the information is embodied as one or more sets of content data that represent sensory data that is either video or audio data (col. 2, lines 20-22). Freiberger et al. also discloses that images generated from the content data are displayed automatically in a predetermined manner without user intervention (col. 2, lines 38-41). Nowhere does Freiberger et al. disclose or suggest that an image in a story line is uploaded to a web site, as required by claim 1.

The Examiner alleged that Freiberger et al. discloses uploading an image and cited column 2, lines 28-34, of Freiberger et al. for support (Office Action, paragraph 4). Applicant submits that the Examiner has not addressed the features of claim 1. Claim 1 does not merely recite uploading an image, but instead recites uploading an image in a story line to a web site. The disclosure of Freiberger et al. is deficient in at least two respects: (1) nowhere does Freiberger et al. disclose or suggest that the images or content data that are presented to the user are part of a story line; and (2) nowhere does Freiberger et al. disclose or suggest uploading the images or content data to a web page, as both required by claim 1.

With regard to (1), Freiberger et al. discloses that video data that might be used as the content data includes advertisements, moving and still videos (e.g., nature scenes, pictures of

family members, MTV music segments, or video from a camera monitoring a specified location), financial data, or news summaries (col. 7, lines 28-35). Nowhere does Freiberger et al. disclose or suggest that the content data includes a first image in a story line, as required by claim 1.

With regard to (2), Freiberger et al. discloses that the content data is obtained by a content display system and stored in a database in memory of the computer used to implement the content display system (col. 21, lines 20-24). Freiberger et al. discloses that the content display systems are implemented on user computers to provide the content data to the user (col. 2, lines 28-34; and col. 13, lines 43-48). Nowhere does Freiberger et al. disclose or suggest that the content data is uploaded to a web page, as required by claim 1.

Freiberger et al. also does not disclose or suggest periodically uploading successive images, following the first image, to the web page according to the story line, as further required by claim 1. The Examiner alleged that Freiberger et al. discloses periodically uploading successive images and cited column 2, lines 28-34, of Freiberger et al. for support (Office Action, paragraph 4). Applicant again submits that the Examiner has not addressed the features of claim 1. Claim 1 does not merely recite periodically uploading successive images, but instead recites periodically uploading successive images, following the first image, to the web page according to the story line. As explained above, Freiberger et al. does not disclose uploading images to a web page according to a story line.

For at least these reasons, Applicant submits that claim 1 is not anticipated by Freiberger et al. Claims 2-8 and 10 depend from claim 1 and are, therefore, not anticipated by Freiberger et al. for at least the reasons given with regard to claim 1. Claims 2-8 and 10 are also not anticipated by Freiberger et al. for reasons of their own.

Claim 2, for example, recites generating a plurality of images that tell a story according to the story line, where the images include the first image and the successive images; and storing the images on a server associated with the web page. Freiberger et al. does not disclose or suggest this combination of features.

The Examiner alleged that Freiberger et al. discloses generating a plurality of images and storing the images on a server and cited column 3, lines 63-65, column 2, lines 22-25, and column 14, lines 12-14, of Freiberger et al. for support (Office Action, paragraph 5). Applicant submits that the Examiner has not addressed the features of claim 2. Claim 2 does not merely recite generating a plurality of images and storing the images on a server, but instead recites generating a plurality of images that tell a story according to the story line, where the images include the first image and the successive images; and storing the images on a server associated with the web page. In addition, the sections of Freiberger et al. identified by the Examiner do not disclose or suggest the combination of features recited in claim 2.

At column 3, lines 63-65, Freiberger et al. discloses "The content display system uses the provided set of instructions to selectively display on the display device an image or images generated from the provided content data." Nowhere in this section, or elsewhere, does Freiberger et al. disclose or suggest generating a plurality of images that tell a story according to a story line, as required by claim 2.

At column 2, lines 22-25, Freiberger et al. discloses "Each set of content data is formulated by a content provider and made available for use by an attention manager according to the invention." Nowhere in this section, or elsewhere, does Freiberger et al. disclose or suggest storing the images on a server associated with a web page, as required by claim 2.

At column 14, lines 12-14, Freiberger et al. discloses "The application manager 201, content providing systems 202 and content display systems 203 can be implemented using appropriately programmed digital computers." Nowhere in this section, or elsewhere, does Freiberger et al. disclose or suggest storing the images on a server associated with a web page, as required by claim 2.

For at least these additional reasons, Applicant submits that claim 2 is not anticipated by Freiberger et al.

Claim 7 recites that the first image and the successive images are displayed near or with at least one of a company's logo or an advertisement. Freiberger et al. does not disclose or suggest this combination of features.

The Examiner alleged that Freiberger et al. discloses displaying a first image and successive images near or with at least one of a company's logo and an advertisement and cited column 7, lines 26-30, of Freiberger et al. for support (Office Action, paragraph 10). Applicant disagrees.

At column 7, lines 26-30, Freiberger et al. discloses "The kinds of content data that can be used with the attention manager are virtually limitless. For example, video data that might be used as content data includes data that can be used to generate advertisements of interest to the user" In other words, Freiberger et al. discloses that the content data may be advertisement data. Contrary to the Examiner's allegation, this does not mean or suggest that the content data is displayed near or with an advertisement, as would be required by claim 7, but instead that it is an advertisement itself.

The Examiner further alleged that "[a]lthough Freiburger teaches the use of an advertisement, he does not teach the use of a company logo. However, the use of a company logo in conjunction with an advertisement is deemed to be inherent" (Office Action, paragraph 10). The Examiner's "inherency" argument falls short of meeting the burden of proof required to establish a rejection based on inherency.

According to M.P.E.P. § 2112, the fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. In relying upon the theory of inherency, the Examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art. Inherency cannot be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient. In this case, the Examiner's allegation does not meet the requisite burden of proof to establish inherency.

For at least these additional reasons, Applicant submits that claim 7 is not anticipated by Freiberger et al.

Independent claims 11, 12, 14, and 15 recite features similar to features recited in claim 1. Claims 11, 12, 14, and 15 are, therefore, not anticipated by Freiberger et al. for reasons similar to reasons given with regard to claim 1. Claims 13 and 16 depend from claims 12 and 15, respectively, and are, therefore, not anticipated by Freiberger et al. for at least the reasons given with regard to claims 12 and 15.

Independent claim 18 recites a method for enticing users to access a web page, comprising modifying a standard company logo for a special event to create a special event logo;

associating one or more search terms with the special event logo; uploading the special event logo to the web page; receiving a user selection of the special event logo; and providing search results relating to the special event in response to the user selection.

Freiberger et al. does not disclose or suggest the combination of features recited in claim 18. For example, Freiberger et al. does not disclose or suggest modifying a standard company logo for a special event to create a special event logo.

The Examiner alleged that Freiberger et al. discloses modifying a standard company logo for a special event and cited column 7, lines 26-35, of Freiberger et al. for support (Office Action, paragraph 18). Applicant disagrees.

At column 7, lines 26-35, Freiberger et al. discloses:

The kinds of content data that can be used with the attention manager are virtually limitless. For example, video data that might be used as content data includes data that can be used to generate advertisements of interest to the user, moving and still video images which can be real-time or pre-recorded (e.g., nature scenes, pictures of family members, MTV music segments, or video from a camera monitoring a specified location, such as ski slopes or a traffic intersection, for conditions at that location), financial data (e.g., stock ticker information) or news summaries.

Nowhere in this section, or elsewhere, does Freiberger et al. disclose or remotely suggest modifying a standard company logo for a special event to create a special event logo, as required by claim 18.

The Examiner also alleged that a "company logo modified for a special event is still considered a type of content data described by the prior art" (Office Action, paragraph 18). Applicant respectfully submits that the Examiner's allegation is flawed. For example, claim 18 does not merely recite a special event logo, but instead recites modifying a standard company logo for a special event to create a special event logo. Freiberger et al. does not disclose or remotely suggest this feature of claim 18. Further, the Examiner's allegation that a special event

logo falls under the content data disclosed by Freiberger et al. finds absolutely no support in the Freiberger et al. disclosure.

Freiberger et al. also does not disclose or suggest associating one or more search terms with the special event logo, as further recited in claim 18. The Examiner alleged that Freiberger et al. discloses associating one or more search terms and cited column 27, lines 25-30, of Freiberger et al. for support (Office Action, paragraph 18). Applicant disagrees.

At column 27, lines 25-30, Freiberger et al. discloses:

Links can be established to any of a variety of information sources and types of information sources. Typically, the link will be made to an information source that provides information that is related to the content data which was being displayed when the link was established.

Nowhere in this section, or elsewhere, does Freiberger et al. disclose or suggest associating one or more search terms with a special event logo, as required by claim 18.

The Examiner also alleged that "[i]n order for information resources to be obtained, some sort of information must be associated with the special event logo. Therefore, having information associated with a special event logo is deemed inherent and the association of a search term with the special event logo is considered an advantageous way of associating information with a special event logo" (Office Action, paragraph 18). Applicant submits that the Examiner's allegations find no support in the disclosure of Freiberger et al.

As explained above, Freiberger et al. does not disclose or suggest modifying a standard company logo for a special event to create a special event logo. Therefore, Freiberger et al. cannot disclose or suggest associating anything with a special event logo. Further, the Examiner's allegation that having information associated with a special event logo is deemed inherent falls short of meeting the burden of proof that is required to establish inherency. The

Examiner is invited to read M.P.E.P. § 2112 to discover what is required for an allegation based on inherency. Also, the Examiner's allegation that associating a search term with a special event logo is an advantageous way of associating information with a special event logo is a conclusory statement with no support in fact.

Freiberger et al. also does not disclose or suggest uploading a special event logo to a web page, as further recited in claim 18. The Examiner alleged that Freiberger et al. discloses uploading a special event logo and cited column 2, lines 28-34, of Freiberger et al. for support (Office Action, paragraph 18). Applicant disagrees.

At column 2, lines 28-34, Freiberger et al. discloses:

Once one or more sets of content data has been acquired, a content display system integrates scheduling information for all sets of content data to produce a schedule according to which an image or images corresponding to the sets of content data are displayed on a display device associated with the content display system.

Nowhere in this section, or elsewhere, does Freiberger et al. disclose or suggest uploading content data, let alone a special event logo, to a web page, as required by claim 18. Instead, Freiberger et al. discloses that the content data is obtained by a content display system and stored in a database in memory of the computer used to implement the content display system (col. 21, lines 20-24).

Freiberger et al. also does not disclose or suggest providing search results relating to the special event in response to a user selection of the special event logo, as further recited in claim 18. The Examiner alleged that Freiberger et al. discloses providing search results relating to the special event and cited column 27, lines 25-30, of Freiberger et al. for support (Office Action, paragraph 18). Applicant disagrees.

Column 27, lines 25-30, of Freiberger et al. has been reproduced above. Nowhere in this section, or elsewhere, does Freiberger et al. disclose or remotely suggest providing search results relating to the special event in response to a user selection of the special event logo, as required by claim 18.

For at least these reasons, Applicant submits that claim 18 is not anticipated by Freiberger et al. Claims 19-21, 23, and 25 depend from claim 18 and are, therefore, not anticipated by Freiberger et al. for at least the reasons given with regard to claim 18.

Independent claim 26 recites features similar to features recited in claim 18. Claim 26 is, therefore, not anticipated by Freiberger et al. for reasons similar to reasons given with regard to claim 18.

Independent claim 27 recites a server connected to a network that comprises a memory configured to store instructions and a processor configured to execute the instructions to determine a home page for a web page on the network, identify a standard company logo on the home page, modify the standard company logo with special event information corresponding to a special event to create a special event logo, and replace the standard company logo with the special event logo during the special event.

Freiberger et al. does not disclose or suggest the combination of features recited in claim 27. For example, Freiberger et al. does not disclose or suggest a processor configured to determine a home page for a web page on the network, identify a standard company logo on the home page, modify the standard company logo with special event information corresponding to a special event to create a special event logo, or replace the standard company logo with the special event logo during the special event. The Examiner alleged that Freiberger et al. discloses a

processor configured to perform these features and cited column 14, lines 19-20, of Freiberger et al. for support (Office Action, paragraph 25). Applicant disagrees.

At column 14, lines 19-20, Freiberger et al. discloses "a processing device (such as a conventional microprocessor)" Nowhere in this section, or elsewhere, does Freiberger et al. disclose or even remotely suggest a processor configured to determine a home page for a web page on the network, identify a standard company logo on the home page, modify the standard company logo with special event information corresponding to a special event to create a special event logo, or replace the standard company logo with the special event logo during the special event, as required by claim 27.

The Examiner also alleged that "[r]eferring again to the package file presented by Freiberger (column 21, lines 21-55), he teaches the use of a package file in order to execute updates to his system. Included in the package file is a network address (column 21, lines 33-35) and update instructions for the content data (column 21, lines 50-55)" (Office Action, paragraph 25). Applicant submits that the Examiner's allegations do not address any of the features of claim 18 and, therefore, are insufficient to establish a proper case of anticipation with regard to claim 27.

For at least these reasons, Applicant submits that claim 27 is not anticipated by Freiberger et al.

In paragraphs 27 and 28 of the Office Action, the Examiner rejected claim 22 under 35 U.S.C. § 103(a) as allegedly unpatentable over Freiberger et al. in view of Mukherjea et al. Applicant traverses the rejection.

Claim 22 depends from claim 18. Without acquiescing in the Examiner's rejection, Applicant submits that the disclosure of Mukherjea et al. does not cure the deficiencies in the disclosure of Freiberger et al. identified above with regard to claim 18. Therefore, claim 22 is patentable over Freiberger et al. and Mukherjea et al., whether taken alone or in any reasonable combination, for at least the reasons given with regard to claim 18.

In paragraphs 29 and 30 of the Office Action, the Examiner rejected claim 24 under 35 U.S.C. § 103(a) as allegedly unpatentable over Freiberger et al. in view of Coden et al. Applicant traverses the rejection.

Claim 24 depends from claim 18. Without acquiescing in the Examiner's rejection, Applicant submits that the disclosure of Coden et al. does not cure the deficiencies in the disclosure of Freiberger et al. identified above with regard to claim 18. Therefore, claim 24 is patentable over Freiberger et al. and Coden et al., whether taken alone or in any reasonable combination, for at least the reasons given with regard to claim 18.

In paragraphs 31 and 32 of the Office Action, the Examiner rejected claims 9 and 17 under 35 U.S.C. § 103(a) as allegedly unpatentable over Freiberger et al. in view of Glazman et al. Applicant traverses the rejection.

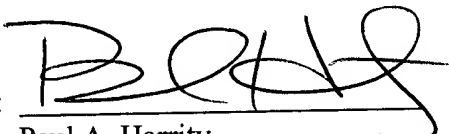
Claims 9 and 17 depend from claims 1 and 15, respectively. Without acquiescing in the Examiner's rejection, Applicant submits that the disclosure of Glazman et al. does not cure the deficiencies in the disclosure of Freiberger et al. identified above with regard to claims 1 and 15. Therefore, claims 9 and 17 are patentable over Freiberger et al. and Glazman et al., whether taken alone or in any reasonable combination, for at least the reasons given with regard to claims 1 and 15.

In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner's reconsideration of the application and the timely allowance of claims 1-27.

To the extent necessary, a petition for an extension of time under 35 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY & SNYDER, L.L.P.

By: 
Paul A. Harrity
Reg. No. 39,574

Date: November 22, 2004

11240 Waples Mill Road
Suite 300
Fairfax, Virginia 22030
(571) 432-0800